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UNCLAS SECTION 01 OF 02 HANOI 002660

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E.O. 12958: N/A

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SUBJECT: GVN DECLARES LISTS OF STATE SECRETS

¶11. (SBU) Summary: The GVN has for the first time publicly issued a list of Office of the Government documents requiring classification. Included in this list are documents related to security issues, national reserves, budget figures and "important internal and external policies." Official sources largely praised the release of the new list as a sign of transparency. We think it does more to underscore just how much is considered secret in Vietnam. End Summary

¶12. (U) Under Vietnamese law, the Prime Minister determines what types of documents must be classified "top secret" and "confidential" in consultation with the Minister of Public Security. The Minister of Public Security alone determines what items must be classified as "restricted," the lowest in Vietnam's three-tier classification system. Under current criminal law, revealing state secrets to foreign sources "hostile" to the GVN could result in the charge of espionage, which carries the death penalty or life in prison. Those who intentionally leak state secrets to other recipients could face up to 15 years in jail.

¶13. (U) On July 7, Prime Minister Phan Van Khai issued a new list of confidential and top secret State documents from the Office of the Government (OOG), replacing a list issued in 1994 that had never been published. National security issues, defense plans, national reserves and movements of Central Bank funds are listed as top State secrets. Wartime military mobilization plans, documents on "important internal and external policies" and government personnel changes are identified as confidential topics. Other confidential items include news and documents on the content

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of negotiations with foreign parties, state budget figures, money printing data and plans for arms imports and exports.

¶14. (U) The Prime Minister's list was the most wide-ranging of a number of recent decrees and directives on the classification of documents. In January, the GVN classified as "top secret" all documentation of trials in connection with national security issues, as well as reports and statistics in relation to death penalty cases. In April, the Minister of Public Security determined that readers' essays and letters sent to the "Tap Chi Cong San" (Communist Review) that are critical of the Party and State are restricted, along with some of the journal's studies on Party policies and orientations and the Party's guidelines on the journal's operations. The Public Security Minister also classified career reports of cadres at the departmental level and higher.

¶15. (U) In June, the Minister of Public Security classified as "restricted" documents and information on national strategic issues concerning internal and external relations and security collected by journalists working for the National Television of Vietnam, along with public essays, letters and petitions from viewers regarding national security. In August, the Prime Minister released a list of confidential and top secret State documents from the

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National Politics Publishing House. Confidential documents include sensitive news and documents related to the history of the Communist Party of Vietnam, some biographical information and career reports of high-ranking leaders and controversial information about the country's path to socialism. The list of top secret State items includes Party documents on certain political and economic issues, security, national defense and external affairs documents and Party guidelines on the publishing house's operations.

¶16. (SBU) Senior journalists from State-controlled newspapers welcomed the Prime Minister's decision to promulgate the list of OOG confidential and top secret State documents. Senior Colonel Tran Nhung of Quan Doi Nhan Dan (People's Army) newspaper said it was a positive step reflecting the Party's tendencies towards increased transparency. Nguyen Chi Dzung, editor-in-chief of the Legislative Affairs Journal of the Office of the National Assembly (ONA), opined that the promulgation might help to facilitate publication of more important documents and information. Dzung said

that, in the past, Government officials had declined to provide the press with information on different issues by offering the excuse that they were "State secrets."

17. (SBU) Le Tho Binh, deputy chief of the Hanoi office of the Ho Chi Minh City-based Legal Affairs Journal, said the promulgation of new lists of State secrets did not help to lessen the Party's current tight control over information dissemination. The Prime Minister's list itself was still very vaguely worded, which might favor "cautious apprehension" on the part of journalists. Binh noted that a number of items on the list were generally referred to as documents that "have not yet to be released and/or will not be released."

18. (SBU) Comment: Because this is the first time the GVN has published the list of Office of the Government documents requiring classification, it is difficult to assess whether there has been any relaxation of these regulations. The publication of this list represents only the smallest of advances, and the GVN still maintains rigid control over the dissemination of information. The broad range of issues that remains classified lays bare the CPV's enduring desire for secrecy rather than any real move toward openness.

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